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May 26, 2020

VIA ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: A.H., et al. v. NYC Dep't of Educ.
19-CV-11417 (AJN) (RWL)

Your Honor:

I am a Senior Counsel in the office of Corporation Counsel, James E. Johnson, attorney for the Defendant in the above-referenced action wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action.

SO ORDERED.

Defendant writes to respectfully request a 45-day extension of time to answer or otherwise respond to the Complaint, from May 28, 2020 to July 13, 2020 and for an adjournment of the Initial Conference which is currently scheduled for June 26, 2020 at 3:45 p.m. This is Defendant's third request for an extension of time to file a response to the Complaint and is made with Plaintiff's consents.

As the Court is aware, I was recently assigned to this matter. (ECF No. 12). As such, this extension of time will allow for the undersigned to review counsel's timesheets and the underlying administrative record. Although the parties have been working in a good faith effort towards a resolution of this matter, a settlement has not yet been reached. As such, this extension of time will allow for the parties to continue working together to attempt to resolve this matter without further judicial involvement. If the parties are able to resolve this matter without further judicial intervention, the parties will immediately inform the Court so that the Initial Conference can be adjourned *sine die*.

Given the current situation with COVID-19, including the closure of the New York City Department of Education's ("DOE") public schools, the DOE is currently devoting virtually 100% of its energies to developing remote learning classes and modules so that they are in place for our school children next week and otherwise addressing how to support our school children

during this time. Additionally, as of Monday, March 16, 2020, the undersigned counsel for Defendant has limited, if any access to the offices at 100 Church Street due to the COVID-19 epidemic and potential exposure to colleagues who have tested positive for the virus. The need to work remotely has compounding administrative delays.

Accordingly, Defendant respectfully requests that its time to respond to the Complaint be enlarged from to May 28, 2020 to July 13, 2020 and for the Initial Conference to correspondingly be adjourned.

Thank you for considering this request.

Respectfully submitted,



Valerie E. Smith
Senior Counsel

Cc: Via ECF
Kevin M. Mendillo, Esq.
Attorney for Plaintiff

The Defendant's request for a 45-day extension is GRANTED. The Initial Pretrial Conference in this matter is hereby ADJOURNED to August 21, 2020 at 3:45 P.M.



6/3/2020